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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/991,616      | 11/16/2001  | Baoquan A. Zhang     | 1676                | 4704             |

28005 7590 10/01/2004

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6391 SPRINT PARKWAY  
KSOPHT0101-Z2100  
OVERLAND PARK, KS 66251-2100

EXAMINER

GAUTHIER, GERALD

| ART UNIT | PAPER NUMBER |
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2645

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DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,616

Applicant(s)

ZHANG ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

1. **Claims 8-12** are objected to because of the following informalities: **claim 8**, line 1 shows dependency of itself.

**Claims 9-12** should have their dependency change to reflect the change on **claim 8**. Correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Parikh et al. (US 6,408,177).

Regarding **claim 1**, Parikh discloses a method for providing real-time provisioning at a customer premises equipment (column 1, lines 5-9), the method comprising:

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receiving an incoming call at a carrier network (column 3, lines 48-59) [The caller 100 places a call to the subscriber 107 which is picked up by the call management system 110];

transmitting a message comprising one or more choices corresponding to handling of the incoming call from the carrier network to the customer premises equipment (column 3, lines 48-59) [The call management system 110 send a message to the subscriber's phone 106 with a menu option display on the subscriber's phone];

receiving a response at the carrier network corresponding to the one or more choices in the transmitted message (column 3, lines 60-67) [The subscriber 107 selects an option from the menu display and sends it to the call management system 100]; and

processing the incoming call at the carrier network according to the received response (column 3, line 60 to column 4, line 2) [The call management system 100 takes action according to the subscriber's choice on the menu option displays on its phone].

Regarding **claim 2**, Parikh discloses providing call information at the customer premises equipment (column 3, lines 48-59).

Regarding **claim 3**, Parikh discloses selecting one of the one or more choices at the customer premises equipment, wherein the selection generates the response (column 3, lines 60-67).

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Regarding **claim 4**, Parikh discloses processing the incoming call corresponds to the response selected from the group consisting of connecting the call to the customer premises equipment, forwarding the call to voice mail, and forwarding the call to a third party (FIG. 7b).

Regarding **claims 5 and 8**, Parikh discloses providing one or more choices at the customer premises equipment is provided by short message service (SMS) message (column 3, lines 30-47).

Regarding **claim 6**, Parikh discloses the customer premises equipment is a mobile telephone, personal digital assistant (PDA), pager, or hand-held wireless device (column 3, lines 30-47).

Regarding **claim 7**, Parikh discloses all the limitations of **claim 7** as stated on **claim 1** rejection and further more discloses querying for processing instructions in response to the received call (column 3, lines 48-59) [The call management system 110 determines how to handle the received incoming call].

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 9-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Parikh in view of Tran et al. (US 6,154,646).

Regarding **claim 13**, Parikh discloses all the limitations of **claim 13** as stated on **claim 1** above and furthermore discloses a short messaging center to send and received messages from the mobile telephone but fails to disclose a web-server for receiving the information in the internet domain.

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However, Tran teaches an HDLM server via the Internet to provide service scripts, which includes the user's selected call treatment (column 4, lines 10-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Parikh by adding the HDLM server at the service message center as taught by Tran.

The modification will allow the system to provide service via the Internet privileges such that the user would have the opportunity to select an option for the call treatment for the incoming calls.

Regarding **claims 9 and 14**, Tran teaches a mobile switching center (MSC) queries for processing instructions (column 3, lines 60-67).

Regarding **claim 10**, Tran teaches a web-server provides one or more choices at the second mobile station (column 4, lines 10-20).

Regarding **claim 11**, Tran teaches a web-server receives a response from the second mobile station (column 2, lines 51-65).

Regarding **claims 12 and 15**, Tran teaches wherein a service control point (SCP) responds to the query by providing message instructions according to the received response (column 2, lines 36-50).

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Regarding **claim 16**, Tran teaches second call processing entity can communicate with the web-server over an HTTP packet network (column 3, lines 40-59).

Regarding **claim 17**, Tran teaches a second server (19 on FIG. 1); and a third call processing entity, wherein the second server pushes an alert message containing the one or more choices via the third call processing entity to the first call processing entity, and wherein the first call processing entity forwards the alert message to the second mobile station (column 3, lines 20-33).

Regarding **claim 18**, Parikh discloses the third call processing entity is a short message service center (SMSC) (column 5, lines 28-42).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payne et al. is cited for redirecting calls placed to a mobile phone (FIG. 1).

Link, II et al is cited for an automatic telephone service forwarding device (FIG. 1A).

Gilbert et al. is cited for a telephony control using a personal digital assistant with a wireless link (FIG. 1).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
September 28, 2004

**FAN TSANG**  
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